

Filed for intro on 02/02/95  
Senate Bill \_\_\_\_\_  
By \_\_\_\_\_

House No. HB0490  
By Phelan

AN ACT to amend Tennessee Code Annotated, Title 20, Chapter 12, relative to pauper's oath.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 20-12-127, is amended by deleting the language of the existing section and substituting instead the following:

(a) Any civil action may be commenced without giving security as required by law for costs and without the payment of litigation taxes due by

(1) Filing the following oath of poverty:

I, \_\_\_\_\_, do solemnly swear under penalties of perjury, that owing to my poverty, I am not able to bear the expense of the action which I am about to commence, and that I am justly entitled to the relief sought, to the best of my belief;

and

(2) Filing an accompanying affidavit of indigency as prescribed by court rule.

(b) The filing of a civil action without paying the costs or taxes or giving security for the costs or taxes does not relieve the person filing the action from responsibility for the costs or taxes but suspends their collection until taxed by the court.

SECTION 2. Tennessee Code Annotated, Section 20-12-128(a), is amended by deleting the following language:

Except for false imprisonment, malicious prosecution, and slanderous words, the and substituting instead the following:

The.

The Tennessee Code Annotated, Section 20-12-128(a) is further amended by adding the following at the end of the subsection:

Such next friend or person also file an accompanying affidavit of indigency as prescribed by court rule. The filing of such a civil action without paying the costs or taxes or giving security for the costs of taxes does not relieve the responsibility for the costs and taxes, but merely suspends their collection until taxed by the court.

SECTION 3. Tennessee Code Annotated, Section 20-12-129, is amended by adding the following immediately after the language “or suit about to be commenced”:

by filing of an accompanying affidavit of indigency as prescribed by court rule.

SECTION 4. Tennessee Code Annotated, Section 20-12-130(a), is amended by adding the following language immediately after the language “expenses of the action or suit”:

by filing of an accompanying affidavit of indigency as prescribed by court rule

Tennessee Code Annotated, Section 20-12-130(a) is further amended by adding the following at the end of the subsection:

The filing of such a civil action without paying the costs or taxes or giving security for the costs or taxes does not relieve the responsibility for the costs or taxes, but merely suspends their collection until taxed by the court.

SECTION 5. Tennessee Code Annotated, Section 20-12-132(a), is amended by deleting the following:

, by the testimony of disinterested persons,

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.